

**August 12, 2020**

**Everett Planning Commission**

Thank you for the opportunity to comment on the Rethink Zoning effort. This effort is extremely complicated and takes a lot of time to review and make comments on. As you move forward, I think it is important that the Planning Commission understands the changes which are being proposed and how they differ from the existing code. I was supportive of the pause on the single family and transit overlay which affected single family zoned areas. There are code changes in the current proposal which would affect single family zoned areas which are significant. I am concerned that once it was communicated that the single family and transit overlay areas was paused then many citizens stopped following the ReThink zoning effort. I recommend that code changes which affect single family areas be paused including subdivision changes, the merger clause removal, public input changes which reduce notice requirements to citizens, changes to who makes land use decisions, criteria for modification of code standards, and the option for measuring the heights of buildings.

With the inability to get together in person I think major changes and decisions which do not absolutely need to be done should be paused until we all can get together to discuss these items. People are just trying to survive and take care of each other. For most citizens little time is left for civic engagement. It is problematic to move ahead without the face to face public hearing meetings and workshops.

**Specific Comments**

**Public Notice requirements.**

There are several changes to public notice requirements, and these should not be approved and rejected by the Planning Commission. At a time of reduced access to elected officials and no in person meetings/workshops the city should not be reducing notice of development to its citizens. One example is the notice for some Historical Commission actions is being eliminated. The Historical Commission will still have a public meeting and take action, but citizens will not be informed of the proposal as they are now. Citizens bring up perspectives which staff may not had thought of and have information on the neighborhood and history which staff may not know. Informed citizens should be the goal of the City of Everett.

**Changes in who makes the decision.**

There are changes on who makes decisions. The Hearing Examiner? The Planning Director? This should be clarified by staff so there is an understanding. The Planning Commission should direct staff to not include changes in who makes the decisions from the current code.

**Chapter 19.06.080**

**Code Provision: 19.06.080 Land Divisions - Exceptions to Minimum Lot Area, Width, Depth, Frontage and Lot Coverage Standards.**

Section 19.06.080 B. should be removed from the proposed code. This section allows for exceptions to all lot standards and is wide open and basically does away with lot standards in single family detached areas. Lot area, lot width, lot depth, interior side building setbacks, lot frontage, lot coverage and

minimum building site standards all can be changed administratively. The development standards in the tables are not the standards based on this section overriding the standards.

#### **Code Provision 19.06.110 Density and Lot Size – Attached Housing in Single-Family Zones**

**Make the following changes to Table 6-7 Maximum density and minimum lot size for attached housing in single-family zones.**

In the R-1 zone Minimum Lot size part of the table here is a change which is needed:

~~No lot shall have an area less than four thousand (4,000) square feet. Each dwelling may be less than six thousand (6,000) square feet.~~ Provided, that twelve thousand (12,000) square feet is provided for both dwelling units.

In the R-2 Zone section same table make the following change:

The minimum lot area for a two-unit dwell is 7,500 square feet; ~~There is no minimum lot area for individual lots within the development.~~ The minimum lot size in any development is 3,000 square feet.

#### **19.22.100 Modification of Building Heights**

There should be no ability for applicants to propose a different way how building heights are measured as proposed in the new code. The city needs to establish the way heights are measured and applicants should work within that direction and framework. Remove from 19.22.100 Building Height Standards that can be modified i.e. remove: **1. B. How heights are measured.** This language opens all kinds of options which would allow buildings to be built which would be out of scale in neighborhoods.

#### **Chapter 19.38 -Nonconformities**

**Change to the merger clause should be rejected. This is not a minor revision.** In North Everett most of the lots are merged because they do not meet the current code standards. Most lots are 25 feet wide and are merged into 50 to 75-foot-wide lots. Some lots are wider than this more along Grand Ave. having four or five 25-foot lots. By doing away with the current merger clause each 25-foot lot in north Everett could be build on. Homes which are not maintained will be purchased and two or three skinny homes could be build there. This would change the character of the street and neighborhood. Some of the historic homes on Grand Ave are on 5 or 6 lots. These homes could be torn down and 5 to 6 homes built on the property. The Fratt mansion at one time was run down and developers where interested in tearing it down and putting up skinny homes or townhouses. This was not allowed because the current code with the merger clause did not allow this. The Fratt mansion was bought by a couple who restored it and is now a jewel in North Everett. The proposal before you would allow lots the 25-foot-wide 2,500 square feet lots to be developed.

#### **Environmental Policy (SEPA) Chapter 19.43**

Reject the proposal to eliminate the requirement to make all projects which exceed the SEPA thresholds for categorical exemptions subject to Review Process II (Posting and Notice). Informing the public takes precedent over the concern for staff not wanting to prepare the information for public notice and posting.

## **Chapter 13.68 Street Construction and Private Construction and Chapters 19.24 through 19.27**

I am not making a recommendation on this item but wanted to point out the potential pitfall to the proposed change. The proposed code change would allow private access drives to be established for any short subdivision or subdivision. The development community / home builders like this change because they can build to a lesser cheaper street/utility standard. Cities have higher standards for public roads because they must maintain them. Allowing private roads to be built to a lesser standard and puts the responsibility on the homeowners who jointly own and use the access. Several issues result. Private roads are not the responsibility of the city, so any parking issues are not handled by the city police. When the road and utilities need repair, the homeowners are responsible. Homeowners in these developments complain to city hall that they should receive the same services as people on public roads. They go to City Hall and complain that they must repair their private street and utilities. They complain that the police will not enforce parking issues. Snow removal is the responsibility of the homeowners.

### **Tiny House Communities**

Clarify where Tiny House Communities are allowed. Which Zones are they allowed? In the proposed code in 19.08 it refers you to 19.05. In 19.05 it refers one to 19.08.210. Not clear to me where this new use is allowed.

In conclusion, I believe the above recommendations for changes that I am bringing forward are reasonable and are based on what items I think the ReThink proposal would have a negative affect on the community.

- Reducing information to citizens is not a desired approach to administration of the code. Citizens have good ideas and input which needs to be brought to the table.
- There is no good reason to change who makes the decisions. Planning Commission needs to be clear on the specifics of these changes before making a recommendation to Council. No changes to the Shoreline Master Program on who makes decisions.
- There needs to be a minimum lot size defined in the code.
- The modification to how heights are measured needs to be removed from the proposed code.
- The merger clause needs to stay in the code.
- Make no changes to the SEPA notice and posting requirements.

Sincerely yours

David Koenig